

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Final Office Action dated April 20, 2004. This Amendment is being provided within the three month period for response extending to July 20, 2004. Also, please note that this Amendment is being provided within the two  
5 month period extending from the date of Final Office Action to June 21, 2004. Since June 20, 2004, is a Sunday, the two month period extends to June 21, 2004. The current status of the claims are summarized below.

Claims 1, 11, and 22 are currently amended.

Claims 2, 12, and 26-28 are cancelled in the present Amendment.

10 Claims 1, 3-11, 13-25, and 29-31 are pending in the application after entry of the present Amendment.

#### **Claim Amendments**

Claims 1, 11, and 22 are currently amended. More specifically, claim 1 is  
15 amended to incorporate the features previously recited in claim 2. Claim 11 is amended to incorporate the features previously recited in claim 12. Also, claim 22 is amended to incorporate the features previously recited in claims 26-28. Thus, each of the features incorporated by amendment into claims 1, 11, and 22 was previously before the Examiner as dependent claims having been searched and examined by the Office. Therefore, the  
20 Applicant submits that the current amendments to each of claims 1, 11, and 22 do not introduce new features or raise new issues that would require additional search. In view of the foregoing, the Applicant respectfully submits that the current amendments to claims 1, 11, and 22 are entitled to entry.

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**Rejections under 35 U.S.C. § 103**

Claims 1-7, 11-17, 22, and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Griffin (U.S. Patent No. 5,893,077) in view of Schneier (*Applied Cryptography*). These rejections are respectfully traversed.

5            Claims 23-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Griffin and Schneier as applied to claims 1-4, and further in view of Fischer (U.S. Patent No. 5,390,247). These rejections are respectfully traversed.

            Claims 8-10, 18-21, 30, and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Griffin and Schneier as applied to claims 1 and 11, and further in view  
10    of Chaplin (U.S. Patent No. 5,315,655). These rejections are respectfully traversed.

            Claims 26-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Griffin in view of Fischer and Schneier as applied to claim 22, and further in view of Chaplin. These rejections are respectfully traversed.

            Griffin discloses an event generation and collection system for a distributed  
15    network that includes an event source for generating event objects and an event collector for gathering event objects. Griffin discloses that each event object is serialized to create a binary representation of the event object in a memory buffer. Then, according to Griffin, conversion routines are run on the event object data so that the data can be converted to a format useful to other processes in the distributed network.

20            Griffin further discloses that once event objects are gathered and serialized, the event objects are stored together in an event object file. Griffin also discloses that event object files are transmitted across the distributed network, rather than distributing the individual event objects contained therein. Griffin further discloses that when an event object file is retrieved, the event object file is converted to an export format file which is  
25    then imported into a database server. The database server then accesses the export format

file and retrieves data of interest to a process operating on the database server. It should be understood that Griffin does not disclose using the serialized event object data to recreate the event object.

5 The Office has relied upon Schneier to disclose signature and encryption methods for digital data. Also, the Office has relied upon Chaplin to disclose encryption/decryption of data.

The Office has asserted that the combination of Griffin and Schneier disclose each feature of claim 1, as amended, including constructing a new object using said snapshot. The Applicant respectfully submits that neither Griffin, Schneier, nor the combination  
10 thereof disclose each and every feature of claim 1, as amended. In particular, neither Griffin, Schneier, nor the combination thereof disclose constructing a new object using said snapshot, wherein said snapshot refers to a snapshot taken of a live object by serializing a state of the live object.

The disclosure of Schneier is silent with regard to taking a snapshot of a live  
15 object by serializing a state of the live object. Also, the disclosure of Schneier is silent on constructing a new object using the snapshot of the live object. Furthermore, it should be understood that Schneier is only referenced by the Office to address generating a signature for digital data. Therefore, with respect to the Schneier/Griffin combination, it should be understood that Schneier provides no contribution with respect to disclosing or  
20 suggesting construction of a new object using a snapshot taken of a live object.

With respect to the Schneier/Griffin combination, the Office has relied upon Griffin to disclose constructing a new object using said snapshot, wherein said snapshot refers to a snapshot taken of a live object by serializing a state of the live object. Therefore, the Applicant will describe below why Griffin does not provide sufficient

disclosure to enable the Schneier/Griffin combination to establish prima facie obviousness of claim 1, as amended.

As with Schneier, the disclosure of Griffin is silent with regard to constructing a new object using a snapshot taken of a live object. Griffin discloses that event object data is serialized. Griffin also discloses that the serialized event object data is stored in an event object file. Griffin then states that the event object file is used as a vehicle for transmitting the event object data over a network. With respect to Griffin, Figure 12, a process is described in which the event object file is converted to an export format file, which is in turn imported into a database server. Griffin then discloses how the database server accesses the export format file to retrieve event object data for further processing by the database server. Griffin provides no further disclosure with regard to the event object data. In particular, Griffin does not discuss or suggest using the serialized event object data for the purpose of recreating an event object. Therefore, Griffin does not disclose or suggest constructing a new object using a snapshot taken of a live object, as required by claim 1, as amended.

The Office has asserted that "Deserialization, shown in element 508 of Figure 11A in Griffin, meets the limitation of constructing a new object using said snapshot." The Applicant respectfully disagrees. Simply stated, de-serialization is not equivalent to constructing a new object. Griffin as previously discussed, discloses de-serialization of event object data, but the de-serialization of Griffin does not result in the construction of a new event object. As demonstrated by Griffin, the process of de-serializing serialized data is not sufficient to suggest construction of a new object. De-serialized data is simply data in a particular format that can be used for many purposes.

Prima facie obviousness can only be established when each and every feature of the claimed invention is either disclosed in or suggest by the combined cited art of record.

Given the above, the combination of Schneier and Griffin fails to disclose constructing a new object using a snapshot taken of a live object as required by claim 1, as amended. For at least this reason, the combination of Schneier and Griffin fails to render claim 1, as amended, prima facie obvious. Therefore, the Applicant kindly requests the Office to  
5 withdraw the rejection of claim 1. Furthermore, since claims 3-10 ultimately depend from claim 1, and thereby incorporate all features of claim 1, each of claims 3-10 should be allowable for at least the reasons provided for claim 1. Therefore, the Applicant kindly requests the Office to withdraw the rejections of claims 3-10.

The Office has used the same basis of rejection against claim 11 as used against  
10 claim 1. Claim 11 has been amended to require computer program code for causing a computer to construct a new object using said snapshot. Therefore, the Applicant respectfully submits that claim 11 is patentable for at least the same reasons as previously discussed with respect to claim 1. In following, the Applicant kindly requests the Office to withdraw the rejection of claim 11. Furthermore, since claims 13-21 ultimately depend  
15 from claim 11, and thereby incorporate all features of claim 11, each of claims 13-21 should be allowable for at least the reasons provided for claim 11. Therefore, the Applicant kindly requests the Office to withdraw the rejections of claims 13-21.

The Office has used the same basis of rejection against claim 22 as used against claim 1. Claim 22 has been amended to require the second object to be configured to  
20 construct a new object using the encrypted snapshot upon verification of the signature. Therefore, the Applicant respectfully submits that claim 22 is patentable for at least the same reasons as previously discussed with respect to claim 1. In following, the Applicant kindly requests the Office to withdraw the rejection of claim 22. Furthermore, since claims 23-25 ultimately depend from claim 22, and thereby incorporate all features of  
25 claim 22, each of claims 23-25 should be allowable for at least the reasons provided for

claim 22. Therefore, the Applicant kindly requests the Office to withdraw the rejections of claims 23-25.

Claim 29 requires instantiating the signed object to create a snapshot array and a signature array associated with the signed object. Also, claim 29 requires the captured  
5 state of the live object to be stored in the snapshot array and the associated signature to be stored in the signature array.

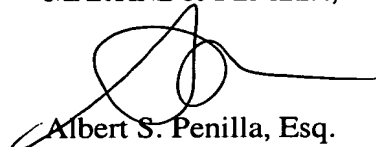
Claim 30 requires instantiating the sealed object to create a snapshot array, a signature array, and an encryption array. Also, claim 30 requires the captured state of the live object to be stored in the snapshot array. Claim 30 further requires the encrypted  
10 version of the captured state of the live object to be stored in the encryption array.

With respect claims 29 and 30, the Office has stated that arrays are fundamental to structured data. Also, the Office has asserted that the event object file (of Griffin) is structured data. The Office has not provided any further explanation of how Griffin or any other reference discloses or suggests instantiating a signed object to create a snapshot  
15 array and a signature array associated with the signed object. The Office also has not specifically indicated how the cited art of record suggests storing a captured state of a live object in a snapshot array and an associated signature in a signature array. Furthermore, the Office has not specifically indicated how the cited art of record suggests storing an encrypted version of a captured state of a live object in an encryption array.

20 In view of the foregoing, the Office has not demonstrated how each and every feature of claims 29 and 30 is disclosed or suggested by the cited art of record, as required to establish prima facie obviousness. Therefore, the Applicant respectfully submits that each of claims 29-30 are patentable over the cited art of record. Since claim 31 depends from claim 30, claim 31 is also patentable over the cited art of record for at least the same  
25 reasons provided for claim 30.

In view of the foregoing, the Applicant kindly requests that the Office withdraw the rejections of claims 1, 3-11, 13-25, and 29-31. The Applicant respectfully submits that all of the pending claims are in condition for allowance. Therefore, a notice of allowance is requested. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900, ext. 6903. If any additional fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP043C). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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